

Avenue NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Peter A. Greene, Thompson, Hine and Flory, 920 N Street NW., Washington, DC 20035.

Decided: December 14, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-31081 Filed 12-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32822]

Lancaster Northern Railway—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation

Lancaster Northern Railway (LANO), a noncarrier, has filed a notice of exemption to acquire and operate approximately 12.90 miles of rail line owned by Consolidated Rail Corporation (Conrail), known as the Akron Secondary Track LC 20-0337, between the connection with Conrail at approximately milepost 0.05 at Sinking Spring, Berks County, PA, and the end of the track at Stevens, approximately milepost 12.94, in Lancaster County, PA. The proposed transaction was expected to be consummated on November 30, 1995.

This proceeding is related to Finance Docket No. 32823, *John C. Nolan—Continuance in Control Exemption—Lancaster Northern Railway*, wherein John C. Nolan has concurrently filed a notice of exemption to continue in control of LANO when LANO becomes a rail carrier upon consummation of the transaction described in this notice.

Any comments must be filed with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. A copy of any pleading filed with the Commission should be sent to applicant's representative: John K. Fiorilla, 390 George St., P.O. Box 1185, New Brunswick, NJ 08903.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.¹ The filing of

functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

a petition to revoke will not automatically stay the transaction.

Decided: December 14, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-31083 Filed 12-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32823]

John C. Nolan—Continuance in Control Exemption—Lancaster Northern Railway

John C. Nolan (Nolan) has filed a notice of exemption to continue in control of Lancaster Northern Railway (LANO), upon LANO becoming a class III rail carrier.

LANO, a noncarrier, has concurrently filed a notice of exemption in Finance Docket No. 32822, *Lancaster Northern Railway—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, in which LANO seeks to acquire and operate approximately 12.90 miles of rail line owned by Consolidated Rail Corporation (Conrail), known as the Akron Secondary Track LC 20-0337, between the connection with Conrail at approximately milepost 0.05 at Sinking Spring, Berks County, PA, and the end of the track at Stevens at approximately milepost 12.94, in Lancaster County, PA. The parties intended to consummate the proposed transaction on November 30, 1995.

Nolan also controls, through stock ownership, two other nonconnecting class III rail carriers that operate in Pennsylvania: East Penn Railways, Inc., and Bristol Industrial Terminal Railway. Nolan states that: (1) The railroads do not connect with each other nor do they belong to any family of lines to which they connect; (2) the involved transaction is not a part of a series of anticipated transactions that would connect the railroads with each other or any railroad within its corporate family; and (3) the transaction does not involve a class I carrier. The transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed

with the Interstate Commerce Commission, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW, Washington, DC 20423¹ and served on: John K. Fiorilla, 390 George Street, P.O. Box 1185, New Brunswick, NJ 08903.

Decided: December 14, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-31084 Filed 12-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32785]

Norfolk Southern Railway Company—Corporate Family Exemption—Georgia Midland Railway Company

Norfolk Southern Railway Company (NSR) or its predecessors have leased a portion of track in Georgia from Georgia Midland Railway Company (GMRC),¹ pursuant to a lease dated June 18, 1896. The term of the lease expired on October 2, 1995. The railroads have agreed to extend the lease for successive one-year terms to commence October 2, 1995, until terminated by agreement of the parties or operation of law. It is expected that GMRC will eventually be liquidated or merged into NSR. Accordingly, the purpose of this exemption is to extend the lease until such time as this occurs.

This notice is filed under 49 CFR 1180.2(d)(3)² which exempts transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Any comments must be filed with the Commission³ and served on: Greg E.

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

² NSR is a class I railroad controlled by Norfolk Southern Corporation, and the owner of the common stock of GMRC.

³ Originally this transaction was also filed under 49 CFR 1180.2(d)(4), which exempts the renewal of leases. However, by a pleading filed December 4, 1995, NSR amended the transaction.

⁴ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address: Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423.

Summy, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

As a condition to use of this exemption, any employees affected by the transaction will be protected pursuant to the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Decided: December 15, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-31085 Filed 12-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32820]

Norfolk Southern Railway Company and Atlantic and East Carolina Railway Company—Lease and Operation Exemption—North Carolina Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 11343-45 the renewal of a lease to allow Norfolk Southern Railway Company and Atlantic and East Carolina Railway Company to continue to lease and operate approximately 317 miles of North Carolina Railroad Company's rail line, between Charlotte and Morehead City, NC, subject to standard employee protective conditions.

DATES: This exemption is effective on December 22, 1995. Petitions to reopen must be filed by January 11, 1996.

ADDRESSES: Send pleadings referring to Finance Docket No. 32820 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; ¹ (2) Robert J. Cooney, Norfolk Southern Railway, 3 Commercial Place, Norfolk, VA 23510; (3) Scott M. Saylor, North Carolina Railroad Company, 234 Fayetteville Street Mall, Raleigh, NC 27602; and (4) Betty Jo Christian, Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: December 13, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,

Secretary

[FR Doc. 95-31176 Filed 12-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32735]

North Carolina Ports Railway Commission—Acquisition of Control Exemption—Beaufort & Morehead Railway, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-45 the acquisition of control by North Carolina Ports Railway Commission (NCPRC) of Beaufort & Morehead Railway, Inc. (BMRI). NCPRC, a noncarrier, currently controls the Beaufort & Morehead Railroad Company. To avoid unlawful control by NCPRC, BMRI is being held in an independent voting trust pending Commission approval or exemption of this control transaction. The exemption is subject to standard labor protective conditions.

DATES: This exemption will be effective on January 21, 1996. Petitions for stay must be filed by January 2, 1996. Petitions to reopen must be filed by January 11, 1996.

ADDRESSES: Send pleadings referring to Finance Docket No. 32735 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission,¹ 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Petitioner's representative: Fritz R. Kahn, 1100 New York Avenue, N.W.,

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

Suite 750 West, Washington, DC 20005-3934.

FOR FURTHER INFORMATION CONTACT:

Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

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Decided: December 13, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,

Secretary.

[FR Doc. 95-31175 Filed 12-21-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Antitrust Division

United States and State of Texas v. Kimberly-Clark Corporation and Scott Paper Company; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the Northern District of Texas, Dallas Division in *United States and State of Texas v. Kimberly-Clark Corporation and Scott Paper Company*, Civil No. 3:95 CV 3055-P, as to both defendants.

On December 12, 1995, the United States and the State of Texas filed a Complaint alleging that the proposed merger of Kimberly-Clark Corporation ("Kimberly-Clark") and Scott Paper Company ("Scott") would violate Section 7 of the Clayton Act, 15 U.S.C. Section 18. The Complaint further alleges that the merger of Kimberly-Clark and Scott would lessen competition substantially and tend to create a monopoly in the sale of consumer facial tissue and baby wipes in the United States. The proposed Final Judgment, filed the same time as the Complaint, requires Kimberly-Clark to divest the Scott baby wipes brands, Baby Fresh and Wash A Bye Baby and